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Message Text

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ACTION L-03

INFO OCT-01 EUR-12 EA-07 ISO-00 OES-06 CG-00 DOTE-00
CIAE-00 COME-00 DODE-00 EB-08 FMC-01 INR-07 NSAE-00
SAL-01 DLOS-06 AID-05 CEQ-01 ERDA-05 EPA-01 IO-13
NSF-01 NSC-05 PM-04 USIA-06 SS-15 SP-02 FEAE-00
INT-05 ERDE-00 /115 W
----------172026Z 087944 /47
P R 171708Z MAR 77
FM AMEMBASSY BRUSSELS
TO SECSTATE WASHDC PRIORITY 9344
INFO AMEMBASSY ATHENS
AMEMBASSY BONN
AMEMBASSY COPENHAGEN
AMEMBASSY LONDON
AMEMBASSY OSLO
AMEMBASSY OTTAWA
AMEMBASSY PARIS
AMEMBASSY ROME
AMEMBASSY STOCKHOLM
AMEMBASSY THE HAGUE
AMEMBASSY TOKYO

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E.O.11652: N/A
TAGS: SENV, PLOS, IMCO, EWWT, BE
SUBJECT: 1973 CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS

REF: (A) STATE 52028 (B) BRUSSELS 2454 (NOTAL)

1. WE DISCUSSED REFTEL QUESTIONS WITH W. BENTEIN, COUNSELOR FOR LEGISLATION AND DOCUMENTATION, MERCHANT MARINE DIVISION, ADMINISTRATION OF MARINE AND INTERNAL NAVIGATION. HE REPRESENTED BELGIUM AT INTERNATIONAL CONFERENCE ON MARINE POLLUTION, 1973. BENTEIN AGREES WITH US GOVERNMENT INTERPRETATION THAT
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INTENT OF NEGOTIATORS IS FOR REF CONVENTION TO APPLY TO SEAGOING VESSELS. HE THINKS FILING OF AN INTERPRETIVE STATEMENT AT THE TIME OF US RATIFICATION WOULD BE USEFUL, AND THINKS IT UNLIKELY THAT OUR INTERPRETATION WILL TROUBLE ANY OF THE PARTIES (WITH THE POSSIBLE EXCEPTION OF CANADA, CONCERNED ABOUT TREATMENT OF THE ST. LAWRENCE SEAWAY).

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2. BENTEIN RECALLED THAT THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION OF THE SEA BY OIL, 1954, EXPLICITLY DEFINED "SHIP" AS A "SEAGOING VESSEL OF ANY TYPE WHATSOEVER." IN ENLARGING THE DEFINITION OF "SHIP" TO INCLUDE EVEN "FIXED OR FLOATING PLATFORMS" (ARTICLE 2 (4)), THE 1973 NEGOTIATORS FOUND THE WORD "SEAGOING" NO LONGER PERFECTLY DESCRIPTIVE, AND THEY DROPPED IT. THEIR INTENTION WAS NOT, HOWEVER, TO EXTEND APPLICABILITY OF THE 1973 CONVENTION TO SMALL VESSELS OPERATING EXCLUSIVELY IN INTERNAL WATERS. THERE IS EVIDENCE ELSEWHERE IN THE TEXT THAT THE CONVENTION IS INTENDED TO APPLY ONLY TO SEAGOING VESSELS; E.G., ART. 2(6) DEFINING "INCIDENT" AS "AN EVENT INVOLVING THE ACTUAL OR PROBABLE DISCHARGE INTO THE SEA OF A HARMFUL SUBSTANCE."

3. IN BENTEIN'S INTERPRETATION, THE REGULATIONS ARE INTENDED TO APPLY TO SEAGOING VESSELS BOTH ON THE SEAS AND IN INLAND WATERS WITH ACCESS TO THE SEA. IN DETERMINING APPLICABILITY, THERE ARE TWO SEPARATE QUESTIONS TO BE ASKED: FIRST, IS THE VESSEL IN QUESTION A SHIP ACCORDING TO THE DEFINITION IN ART. 2(4); AND SECOND, WHERE IS IT OPERATED? THE LATTER QUESTION IS NOT EXPLICITLY ADDRESSED IN THE TEXT OF THE CONVENTION, BUT BENTEIN THINKS THE MINUTES OF THE 1973 CONFERENCE MAY REFLECT SOME DISCUSSION OF IT, SUPPORTING THE US INTERPRETATION.

4. BELGIUM HAS NOT YET PRESENTED THE CONVENTION TO ITS PARLIAMENT FOR RATIFICATION. BENTEIN COULD NOT GUESS HOW SOON THAT COULD BE DONE, BUT SAID THAT THE BELGIAN GOVERNMENT HAS "GOOD INTENTIONS". AT THE PRESENT TIME, PARLIAMENT IS DIS-SOLVED PENDING NEW ELECTIONS APRIL 17. RENNER
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
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Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: n/a
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Executive Order: N/A
Errors: N/A
Expiration:
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Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
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Previous Handling Restrictions: n/a
Reference: 77 STATE 52028, 77 BRUSSELS 2454
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
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Status: NATIVE
Subject: 1973 CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS
TAGS: SENV, PLOS, EWWT, BE, IMCO
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